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10/730,664

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Friedrich W. Beichter

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EXAMINER

JAIN, RAJ K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,664	Applicant(s) BEICHTER ET AL.	
	Examiner RAJ JAIN	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 1-15, 31-33 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

The elements of Claim(s) 1 of “automatically mapping....” are broad enough that the claim could be completely performed mentally, or verbally nor is any transformation apparent and further

1) do not tie to another statutory class (such as a particular apparatus) by identifying the apparatus that accomplishes the method steps.

2) do not have a structure required by the claim, or positively recited in the body of the claim in association with a step significant to the inventive concept.

A claim reciting an adequate structural tie must positively recite the structure of another statutory category in association with a step significant to the inventive concept. The following are examples of structural recitations **that do not constitute** adequate structural ties per se: (1) Structure recited in a preamble alone, (2) structure in a phrase expressing intended use or purpose, and (3) structure in a step insignificant to the inventive concept, such as nominal pre or post solution activity.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim recites here in part "...automatically mapping is performed prior to installation of the machine.....". The specification fails to disclose mapping being performed "prior to installation". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-15, and 31-33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Siamak et al (EP 0,969,371 A1) in views of Varaiya et al (USP 4,754,397 B).

Regarding claim(s) 1, Siamak discloses a method of facilitating configuring of resources of a communications environment (abstract), said method comprising: automatically mapping a first identifier of a resource of a machine being configured to a second identifier of the resource to assign a physical path of the resource to a logical path of the resource (para 6 lines 8-13, para 14 table 202 maps devices by physical pathnames to logical pathnames), wherein the first identifier is usable by hardware (Figs 1 & 2, computer system 100 with hardware disk drivers 204 identify the particular resource) to identify the resource and the second identifier is usable by a program of the machine to identify the resource (application 201 is a the computer program that is

identified as the resource with which the computer system 100 transfers and received data as appropriate).

Siamak fails to disclose mapping of the machine to avoid a single point of failure.

Varaiya discloses mapping of the machine to avoid a single point of failure (Figs. 1-3, col 2 lines 13-24, col 7 line 20 – col 8 line 20; col 9 lines 8-22). Varaiya provides a method for configuring multiple resources in a system. A computer system of plurality of elements are provided that are capable of configuring resources in the system, wherein each element has configuration parameters to use to configure the components and also provide a fault tolerance computing system by avoiding single points of failure. Furthermore, Varaiya illustrates mapping and configuration of system components prior to installation of the machine itself (see Figs. 1-2, abstract, col 1 lines 10-20).

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Varaiya within Siamak so as to allow for multiple paths of configurations as appropriate without delay and therefore avoiding points of failure within a system.

Regarding claim 2, Siamak discloses wherein the resource comprises a communications adapter (Fig.1, cable 106 designed to serve as communications adapter.).

Regarding claim 3, Siamak discloses wherein the communications adapter comprises a channel, the first identifier comprises a physical channel identifier (PCHID) and the second identifier comprises a logical channel path identifier (CHPID) (Fig. 3).

Regarding claim 4, Siamak discloses wherein the communications adapter is of an input/output subsystem of the communications environment, the input/output subsystem being configured as a plurality of input/output images (Fig. 1, cable 106 provides the input/output environment).

Regarding claims 5, 6, and 31, Siamak discloses automatically selecting the first identifier to be mapped to the second identifier from a plurality of first identifiers, wherein the selecting takes into consideration a definition associated with the second identifier (Fig. 3B, plurality of identifiers 306, 308, 310, 312, 314 to be mapped with 305, para 21).

Regarding claim 8 Siamak discloses the physical description of resource as first identifier (see Fig.3b, serial number identifies a storage device).

Regarding claim 9 Siamak discloses proper mapping of devices and a report generated as appropriate (col 6 lines 20-23).

Regarding claim 10 Siamak discloses providing as another input to the automatically mapping a logical definition of the resource, said logical definition comprising the second identifier (Figs. 3A, 3B, logical path 305 defines a second identifier with a particular serial number of the first identifier to be associated with).

Regarding claims 11-13 Siamak discloses mapping utilizing software and hardware components as appropriate (Figs 1-3, paras 9, 10 and 12).

Regarding claims 14 and 15 Siamak discloses performing one or more selective validations on data input to the automatically mapping and the changed configuration environment (para 30, fig. 8, step 804 verifies if correct device is loaded from the mapping table 202, as a new configuration is now loaded).

Claim(s) 7 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siamak et al (EP 0,969,371 A1) in view of Varaiya et al (USP 7,133,907) and further in view of Wilson et al (US 6763454 B2).

Siamak and Varaiya fail to disclose priority based selection of resource identifiers.

Wilson discloses priority based selection of resource identifiers (col 35 line 64 – col 36 line 10). Priority based selection of resources allows for proper allocation of resource elements as needed. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Wilson within Siamak so as to improve overall network performance by allocating resources as appropriate based on a predetermined priority scheme.

Regarding claim 31, Siamak discloses wherein the resource comprises a channel (Fig. 3A), and wherein the mapping is further based on the type of channel (Fig. 3B, type of channel is similar to different physical paths 310, 312, 314).

Response to Arguments

Applicant's arguments with respect to claims 1-15 and 31-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raj K. Jain/

Examiner, Art Unit 2416